Non-implementation of CAT judgement

2224. SHRI SANTOSH KUMAR SAHU:
SHRIMATI MIRA DAS:

Will the Minister of PLANNING AND PROGRAMME IMPLEMENTATION be pleased to refer to the answer to Unstarred Question 3186 given in the Rajya Sabha on the th September, 1990 and state:

(a) what are the grounds for non-implementing the judgements of the Central Administrative Tribunals as shown against serial number 10, 11 and 13 of the statement attached to above mentioned question, as also the grounds on which appeals have been filed in the Supreme Court; and

(b) what steps Government have taken for the early disposal of the matters pending for a long time in the Supreme Court?

THE MINISTER OF STATE OF THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI H. R. BHARDWAJ): (a) and (b) In T. R. Mohanty's case (Ittms 10 & 11 of the statement attached to answer to Unstarred Question No. 3186 of 4-9-90) the Special Leave Petition was filed against the order of the CAT, Calcutta Bench dated 28-11-88 as it was felt that the Tribunal had failed to hold that the providing of reservations for Scheduled Castes and Scheduled Tribes in promotions was based on constitutional mandate and as such had to be adhered to and further that the Tribunal did not appreciate that the implementation of the order would cause disturbance in the prevailing seniority list. The relevant provision in the ISS Rules was also amended. The Honable Supreme Court has granted Special Leave and while doing so has ordered that promotion of any person during the pendency of the Civil Appeal should be subject to the result of the Appeal. The Civil Appeal is pending.

In Pratap Narain's case (Item 13 of the statement attached to answer to Unstarred question No. 3186 of 4-9-90) the Special Leave Petition was filed against the order of the CAT, Principal Bench dated 8-8-89 as it was felt that the Tribunal had failed to appreciate that the decision of the Hon'ble Supreme Court in Narendra Chadha's case gave the benefit of continuous officiation towards seniority irrespective of the fact whether the incumbents were holding cadre or ex-cadre posts and that the Tribunal has erred in holding that the expression 'Gradee IV posts' used in the direction of the Supreme Court in the judgement in Narendra Chadha's case was not used in a generic sense. The aggrieved promotee officers have also filed a Special Leave Petition. After considering the Government's request for early hearing or permission to make promotions on the basis of the impugned seniority list subject to final decision of the Court, the Supreme Court has, through order dated 27-8-91, granted Special Leave and also allowed Government to make promotions on the basis of the seniority list operated prior to the judgement of the Tribunal, on purel ad hoc basis and subject to the result of the Civil Appeals. The Court has further ordered that the Civil Appeals should be listed for hearing subject to part heard matters in the last week of February, 1992.

परती भूमि पर खेती करने के लिए गरीब भूमिहीन मजदूरों और सीमांत किसानों के लिए वित्तीय सहायता

2225. **श्री अजीत जोगी :**
कुमारी आलिया :

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार परती भूमि में खेती करने के लिए गरीब भूमिहीन मजदूरों तथा सीमांत किसानों को वित्तीय सहायता प्रदान करने का विचार रखती है ;

(ख) यदि हां, तो इस संबंध में ब्यौरा क्या है ; और